THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.10409 of 2007

Dated: 17-07-2007

Between:

Marrimosu Penchalamma and another.

..... PETITIONERS

AND

The District Collector, Nellore, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.10409 of 2007

ORDER:

The two petitioners are the members of the Cooperative Joint Farming Society (CJFS), Nellore. In 2005, fourth respondent allegedly leased out land admeasuring Acs.2.33 to first petitioner and Acs.1.46 to second petitioner in survey Nos.27, 28, 30, 75-4 situated at Sajjapuram Village, Nellore District. The petitioners are statedly in possession and cultivating the land. Alleging that in March, 2007, the respondents tried to lay a road through their (petitioners') land without issuing any notice to them, they filed instant writ petition seeking a declaration that the action of the respondents is illegal and arbitrary.

In spite of granting sufficient time, the learned Assistant Government Pleader for Revenue (General-A) is not able to get instructions. He, however, submits that the lease period expired. No material is placed before this Court in support of the same. Even if the lease expired, if the petitioners are in possession of the land, there cannot be any laying of road without evicting them. Therefore, it is observed that unless and until appropriate steps are taken in accordance with law, the petitioners right to enjoy the land cannot be disturbed.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

17th July, 2007
ghn